

Intersectional feminist engagements with international law (Part II)

An interview with Emilia Roig

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In this second part of our interview with CIJ founder and executive director Emilia Roig, we move from general questions on intersectionality and the category 'women' to more specific questions on practical engagement with international law.

The practice-oriented chapters of the [Elgar Research Handbook](#) focus on feminist engagement within traditional social and legal institutions, such as diplomacy, international organizations, and courts. What is the perspective of the CIJ on engaging with such institutions?

That's a very good question, because we remain dependent on established institutions that, for the most part, are very rigid and that also perpetuate systemic inequalities. However, I think that change is happening. It is not a linear process and it is happening quite organically. There might be pockets of resistance within these institutions. We need to have a wholistic approach to social change. For example, having women in high-ranking positions in such institutions is definitely not going to solve the issues alone, but it will contribute to bring new perspectives and to sharing power more equally.

That doesn't mean that a woman, just because she is a woman, will represent feminist interests or will make sure that the interests of women worldwide are met, so that is not the solution. At the same time, however, bringing perspectives that are critical of the status quo or, most importantly, of the functioning of such institutions can be very beneficial. This is especially true for bringing voices of civil society and of grassroots movements to those arenas whenever possible. It is mostly very difficult, it doesn't happen overnight, but, for example, TWAIL scholars have managed as well to bring new perspectives into these institutions. This has been more or less successful, of course, because the *raison d'être* of most of these institutions also rests on global inequalities and questioning them would also question their very existence, but at least it can start a conversation and expose some of the patterns and some of the systemic roots of inequalities.

I am glad that you mentioned TWAIL. In recent decades, TWAIL scholars have pointed out how international law has been and continues to be shaped by the legacies of imperialism and colonialism. What does this mean for feminist engagement with international law? Do we have to reject international law altogether or how do we push for meaningful reform?

I want to quote Audre Lorde, who says that you cannot [dismantle](#) the master's house with the master's tools. I think she is asking us to question ourselves: 'Are these really the master's tools or were they just used by him?'. Some of the tools might be neutral tools that can be used at the service of more justice and equality even if they are currently used at its disservice. At the same time, some tools are inherently brought up by the system. That's why I think it is an ongoing process of really asking ourselves what we want to achieve with a reform. Does it merely mean that we are going to change who lives in the house? Or are we going to really create another system, which is not going to take the form of a house, which is going to be something completely different, something that we don't know yet. It's a fundamental question that requires to have a vision and if we don't have a vision of what we actually want to create, then any type of reform will merely be a reshuffling of the current space. International law has meant a lot of progress on many fronts. It has been used as a safeguard and it's a tool that we can continue to use, but there are inherent power imbalances that were also at the origin of international law and of the way it was created. These need to be confronted and they need to be dismantled.

What does it mean to dismantle power dynamics within the system? Do we need to change it altogether or can we just use bits and pieces and are there some aspects of it that can survive the reform? I don't have a ready-made answer for you. What I can give you is more of a framework approach to change, speaking about how to shift power in institutions. To that end, I would say that it's a very difficult process that hasn't been successful so far. There have been many attempts and we still are not outside of these dynamics. Nevertheless, I would say that change is happening. It is taking place whether we want it or not. I think that the systems that are going to be created will be completely outside of what we know. It's really important to allow ourselves to have a bit of distance and be a bit more patient instead of wanting to change institutions from within as fast as possible, because change may be happening outside and it would be a shame if we wouldn't take the time to look at what's taking place. If you look at the police system, if you look at law enforcement, we see that reforming law enforcement may, in the long term, be a very ineffective tool. The alternatives to law enforcement are what we need to invest in: restorative justice, other alternative methods that have been used that involve community as well as security and safety, which have nothing to do with the current law enforcement system. I think it would be the same with international law.

You have touched on the relationship between academia and practice a few times. The Research Handbook covers academic engagement with international law as well as practitioners' perspectives, albeit mostly in separate chapters. From the perspective of the work of the Center for Intersectional Justice, how do academic forms of engagement on one hand and practical or activist forms of engagement on the other hand influence each other?

I would say that they are constitutive of each other. You often hear anti-intellectualist critiques of liberation movements saying, 'Oh this is all so academic! They are in their ivory tower and not really close to practice'. What I want to say is that there are theories of liberation that originate from practice, be it TWAIL, postcolonial studies,

or intersectionality. Practice is constitutive of those theories and in that sense, there is an ongoing dialogue taking place. There is an ongoing nourishing process that is taking place even if it's not visible, especially if it's not visible from the side of power. The channels between practice, between grassroots movements, social movements, liberation movements and academia become invisible simply because of the setting of these institutions. The academic institutions are really removed from practice physically, but also in terms of language, habitus etc. For that reason, a lot of people who do work in these institutions have what DuBois calls [double consciousness](#). They need to speak the academic language in order to gain legitimacy, in order to be taken seriously, in order to reach a certain level of credibility. At the same time, they are really close to practice, to grassroots, resistance and social movements. I think it's the same with any reform. If you look at the example of law enforcement that I was mentioning, if you look at the policy alternatives such as legalization, restorative justice, or harm reduction, all these alternatives came from practice, they came from grassroots movements that are really embedded in pragmatic solutions and 'real life'. These movements feed academia. Academics have looked into it and translated the alternatives into academic terms, which has permitted that these alternatives be taken seriously, because they were attached to certain research and empirical investigation. I am not saying that we need to bridge this gap, because there is a gap but it's simply due to the institutional setup which erases the ties that exist between the two.

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